

WHEREAS, The original intent of the enabling Act and the criteria was to allow some flexibility in this regard when it was determined that overlapping HPAs could be protected when State approved silvicultural practices were implemented;

WHEREAS, There have been numerous situations when it was believed that the prohibition of harvesting in the landward 50 feet of the 100-foot buffer was not essential to the protection of specific HPAs, and in certain cases, may have been counterproductive; but, existing language within the criteria does not allow the flexibility originally envisioned when overlapping HPAs exist; and

WHEREAS, The proposed change embodied in this Act would make the review and protection of all HPAs within the landward 50 feet of the 100-foot buffer the same as the review and protection of all HPAs outside of the 100-foot (or expanded) buffer—a change consistent with and responsive to the intent of the original enabling Act; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

8-1808.7.

(A) COMMERCIAL HARVESTING OF TREES BY SELECTION, OR BY THE CLEAR-CUTTING OF LOBLOLLY PINE AND TULIP POPLAR, MAY BE ALLOWED TO WITHIN 50 FEET OF THE LANDWARD EDGE OF THE MEAN HIGH WATER LINE OF TIDAL WATERS AND PERENNIAL TRIBUTARY STREAMS, OR THE EDGE OF TIDAL WETLANDS, PROVIDED THAT THE CUTTING IS CONDUCTED IN CONFORMITY WITH COMAR 27.01.05 AND WITH A BUFFER MANAGEMENT PLAN THAT IS PREPARED BY A REGISTERED PROFESSIONAL FORESTER AND IS APPROVED BY THE DEPARTMENT.

(B) THE PLAN SHALL BE REQUIRED FOR ALL COMMERCIAL HARVESTS WITHIN THE BUFFER, REGARDLESS OF THE SIZE OF THE AREA TO BE CUT, AND SHALL CONTAIN AT A MINIMUM THE FOLLOWING REQUIREMENTS:

(1) DISTURBANCE OF STREAM BANKS AND SHORELINES SHALL BE AVOIDED;

(2) THE AREA DISTURBED OR CUT SHALL BE REPLANTED OR ALLOWED TO REGENERATE IN A MANNER THAT ASSURES THE AVAILABILITY OF COVER AND BREEDING SITES FOR WILDLIFE AND REESTABLISHES THE WILDLIFE CORRIDOR FUNCTION OF THE BUFFER;

(3) THE CUTTING MAY NOT INVOLVE THE CREATION OF LOGGING ROADS AND SKID TRAILS WITHIN THE BUFFER; AND

(4) COMMERCIAL HARVESTING PRACTICES SHALL BE CONDUCTED TO PROTECT AND CONSERVE THE HABITAT PROTECTION AREAS IN ACCORDANCE WITH COMAR 27.01.09.02, .03, .04, AND .05.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1997.